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EXAMINER				
NGUYEN, TUAN HOANG				
ART UNIT		PAPER NUMBER		
2618				
NOTIFICATION DATE		DELIVERY MODE		
09/04/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/787,302

Applicant(s)

RAO ET AL.

Examiner

TUAN H. NGUYEN

Art Unit

2618

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see applicant's remarks, filed on 01/05/2009, with respect to the rejection(s) of claims 1-24, 27, and 28 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 10-14, 20-22 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango et al. (US PAT. 5,761,193 hereinafter, "Derango") in view of Harris et al. (U.S PAT. 7,319,879 hereinafter "Harris").

Consider claim 1, Derango teaches a user device capable of walkie-talkie-like functionality configured to participate in dispatch calls through a dispatch network, the user device being further configured to: obtain from the dispatch network a user device specific set of at least one provision talkgroup identifier having a respective provisioned

talkgroup identifier for each talkgroup provisioned for the user device (figs. 2-5 col. 3 lines 35-54 and col. 5 line 66 through col. 6 line 10).

Derango does not explicitly show that make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network.

In the same field of endeavor, Harris teaches make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network (fig. 2, col. 6 line 65 through col. 7 line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, make information pertaining to the at least one provisioned talkgroup identifier available to a user of the user device, the at least one provisioned talkgroup identifier being maintained by the dispatch network, as taught by Harris, in order to provide talkgroup creation and management and in-band floor arbitration that are transparent to the underlying network, the talkgroup creation and management and in-band floor arbitration may be implemented in a legacy system without the need to modify the network and regardless of the type of network employed.

Consider claims 2, 14, and 21, Derango e further teaches the user device is a wireless device (col. 3 lines 35-43).

Consider claim 3, Derango further teaches the information pertaining to the provisioned talkgroup identifiers is selected from a group consisting of: the provisioned

talkgroup identifiers themselves (col. 3 lines 35-54); a respective corresponding name for each provisioned talkgroup identifier (col. 3 lines 35-54); a combination of some of the provisioned talkgroup identifiers themselves and a respective corresponding name for some of the provisioned talkgroup identifiers (col. 3 lines 35-54).

Consider claim 4, Derango further teaches a message generation and processing function configured to: transmit a first message to the dispatch network to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 5 line 66 through col. 6 line 10); and receive at least a second message from the dispatch network containing the provisioned talkgroup identifier(s) (col. 5 line 66 through col. 6 line 10).

Consider claim 6, Derango further teaches a user interface for receiving an input from a user requesting that the first message be transmitted, and in response to which input transmits the first message (col. 3 lines 35-54).

Consider claim 10, Derango further teaches at least one user device according to claim 2 in combination with the dispatch network configured to provide to each user device a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 5 line 66 through col. 6 line 10).

Consider claim 11, Derango further teaches the dispatch network provides each user device the respective provisioned talkgroup identifiers in response to a request from the user device (col. 3 lines 35-54).

Consider claim 12, Derango further teaches in combination with the dispatch network configured to provide to the at least one user device the respective provisioned talkgroup identifier for each talkgroup provisional for the user device (col. 3 lines 35-54).

Consider claim 13, Derango teaches a dispatch network configured to provide dispatch services to user devices capable of walkie-talkie-like functionality, the dispatch network being configured to: maintain for each user device a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (figs. 2-5 col. 3 lines 35-54 and col. 5 line 66 through col. 6 line 10).

Derango does not explicitly show that provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in.

In the same field of endeavor, Harris teaches provide to each user device the user-device specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in (fig. 2, col. 6 line 65 through col. 7 line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, provide to each user device the user-device

specific set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in, as taught by Harris, in order to provide talkgroup creation and management and in-band floor arbitration that are transparent to the underlying network, the talkgroup creation and management and in-band floor arbitration may be implemented in a legacy system without the need to modify the network and regardless of the type of network employed.

Consider claim 20, Derango teaches a method of provisioned talkgroup discovery comprising: a user device capable of walkie-talkie-like functionality transmitting a request to a dispatch network (fig. 1 col. 1 line 12 through col. 2 line 5); the dispatch network receiving the request and responding with a response containing a user device specific set of at least one provision talkgroup identifier having a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (figs. 2-5 col. 3 lines 35-54 and col. 5 line 66 through col. 6 line 10).

Derango does not explicitly show that the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device.

In the same field of endeavor, Harris teaches the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device (fig. 2, col. 6 line 65 through col. 7 line 21).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the user device receiving the response and making the provisioned talkgroup identifiers available to a user of the user device, as taught by

Harris, in order to provide talkgroup creation and management and in-band floor arbitration that are transparent to the underlying network, the talkgroup creation and management and in-band floor arbitration may be implemented in a legacy system without the need to modify the network and regardless of the type of network employed.

Consider claim 22, Derango further teaches the user device receiving an input from a user in response to which input the request is transmitted (col. 1 lines 57-65).

Consider claim 27, Derango teaches the user device is configured to receive the user-device set of at least one provisioned talkgroup identifier upon an event other than talkgroup opt in (col. 5 line 66 through col. 6 line 10).

Consider claim 28, Derango further teaches the dispatch network is configured to provide the user-device set of at least one provisioned talkgroup identifier upon an cvtmt other than talkgroup opt in (col. 1 line 12 through col. 2 line 5).

4. Claims 5, 9, 15 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Harris and further in view of Grube et al. (U.S. PAT. 6,885,874 hereinafter "Grube").

Consider claim 5, Derango and Harris, in combination fails to teach the first and second messages are layer 3 messages.

However, Grube teaches the first and second messages are layer 3 messages (col. 8 lines 4-10).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Grube into view of Derango and Harris, in order to provide a group of communication units engaged in dispatch voice calls to participate in a location sharing service according to different service levels.

Consider claim 9, Harris further teaches adapted to obtain from the network a respective provisioned talkgroup identifier for each talkgroup provisioned for the user device by automatically trying to join each of a plurality of talkgroups that could possibly be provisioned, and maintaining a record of which talkgroups were successfully joined (col. 8 line 64 through col. 9 line 25).

Consider claim 15, Grube further teaches a message generation and processing function adapted to: receive a first message from a particular user device requesting the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 5 line 66 through col. 6 line 10); and transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 5 line 66 through col. 6 line 10).

Consider claim 15, Derango and Harris, in combination fails to teach a message generation and processing function adapted to: receive a first message from a particular user device requesting the respective provisioned talkgroup identifier for each talkgroup

provisioned for the user device; and transmit at least a second message containing the provisioned talkgroup identifier(s).

However, Grube teaches a message generation and processing function adapted to: receive a first message from a particular user device requesting the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device (col. 5 line 66 through col. 6 line 10); and transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 5 line 66 through col. 6 line 10).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Grube into view of Derango and Harris, in order to provide a group of communication units engaged in dispatch voice calls to participate in a location sharing service according to different service levels.

Consider claim 23, Derango and Harris, in combination fails to teach the request and response are sent using layer 3 messages.

However, Grube teaches the request and response are sent using layer 3 messages (col. 8 lines 4-10).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Grube into view of Derango and Harris, in order to provide a group of communication units engaged in dispatch voice calls to participate in a location sharing service according to different service levels.

Consider claim 24, Grube further teaches the request is a registration request and the response is an enhanced registration accept message (col.14 lines 49-55).

5. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Harris and further in view of Stephen Valentine (European Patent No. EP 1 330 138 hereinafter "Valentine").

Consider claim 7, Derango and Harris, in combination, fail to teach adapted to transmit the first message automatically upon being powered.

However, Valentine teaches adapted to transmit the first message automatically upon being powered (col. 7 lines 34-45).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Valentine into view of Derango and Harris, in order to provide a communication link in a radio communication system that supports a number of communication cells.

Consider claim 16, Valentine further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically upon power on of the given user device (col. 7 lines 34-45).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Harris and further in view of Ericsson, Motorola, Siemens, Nokia companies (Technical Specification Architecture V1.1.1 (2003-10)).

Consider claim 8, Derango and Harris, in combination fail to teach a user device which is compliant with an iDEN.TM. standard.

However, Ericsson, Motorola, Siemens, Nokia companies teaches a user device which is compliant with an iDEN.TM. standard (page 11 section 5.1).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Ericsson, Motorola, Siemens, Nokia companies into view of Derango and Harris, in order to provide user equipment containing the push to talk application client software over cellular phone.

7. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derango in view of Harris and further in view of Wolf et al. (U.S PAT. 6,999,783 hereinafter "Wolf").

Consider claim 17, Derango and Harris, in combination fail to teach a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s).

However, Wolf teaches a dispatch network comprising a dispatch controller, the dispatch server comprising: a D-HLR (dispatch-home location register) maintaining for each user device a respective list of provisioned talkgroup identifiers; and a DAP (dispatch application processor) adapted to process a first message from a particular user device to request the respective provisioned talkgroup identifier for each talkgroup provisioned for the user device to obtain the provisioned talkgroup identifiers from the D-HLR, and to transmit at least a second message containing the provisioned talkgroup identifier(s) (col. 3 lines 10-29).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Wolf into view of Derango and Harris, in order to provide a prioritization of the multiple talkgroups.

Consider claim 18, Wolf further teaches at least one EBTS through which messages are routed between user devices and the dispatch application processor (col. 3 lines 10-29).

Consider claim 19, Wolf further teaches adapted to transmit a message containing the provisioned talkgroup identifier(s) to a given user device automatically whenever there has been a change in the provisioned talkgroup identifier(s) of the given user device (col. 9 lines 9-28).

Conclusion

8. Any response to this action should be mailed to:

Mail Stop _____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN H. NGUYEN whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan H. Nguyen/
Examiner
Art Unit 2618